# IN THE U.S. DISTRICT COURT IN AND FOR THE DISTRICT OF NORTH TEXAS, FORT WORTH DIVISION

BARBARA BLASKO, an individual, ) PLAINTIFF, pro se, )	
<b>VS.</b> )	CIVIL ACTION NO.
THOMAS D. MILLER, and ) WEST VIRGINIA PUBLIC EMPLOYEE )	4-21CV-698-Y
INSURANCE AGENCY, and )	
WEST VIRGINIA DEPARTMENT OF. ) ADMINISTRATION, Defendants. )	

# Plaintiff's Complaint

COMES NOW the Plaintiff, Barbara Blasko, *pro se*, and for her claims for relief against the Defendants alleges and states the following:

# I. <u>Jurisdiction and Venue</u>.

- 1. The Plaintiff currently is a resident and citizen of the State of California.
- 2. The Defendant, THOMAS D. MILLER, is currently a resident and citizen of the State of West Virginia.
- 3. The Defendants, West Virginia Public Employees Insurance Agency, (herein "PEIA") and the West Virginia Department of Administration (herein "Administration") are both governmental divisions of the State of West Virginia.
- 4. The tortious conduct by the Defendants of which the Plaintiff complains in this
  Complaint occurred and took place in the City of Weatherford, State of Texas, which
  is located within the judicial district of this Court. All three (3) Defendants are responsible for and participated in the tortious conduct against the Plaintiff alleged herein.
- 5. There is diversity of citizenship between the Plaintiff and Defendants, the amount in controversy in the Plaintiff's claims exceeds the sum of \$75,000, and this Court has proper venue and jurisdiction for this civil action.

6. This Court has jurisdiction and venue over the Plaintiff's claims for relief.

#### II. Statement of Plaintiff's First Claim For Relief Against The Defendants

- 7. Plaintiff is a qualified and licensed medical doctor, with licenses to practice medicine in the States of California, Texas, Nevada, South Dakota, Arizona, West Virginia, Illinois, New York, New Mexico and Florida. Also, the Plaintiff is an Assistant Professor with the - Bull-School of Medicane. Plaintiff's complete Vitae is attached hereto as Exhibit "A".
  - 8. Prior to 2019, Plaintiff was and had been for several years practicing medicine in the State of California. The Plaintiff was engaged as the Director of Women in Medicine and also active in the Department of Emergency Medicine at the Riverside Community Hospital in Riverside, California. She also practiced medicine at several other hospitals in California, New Mexico and Arizona.
  - 9. In 2018 Plaintiff negotiated and entered into a written "Physician Employment Agreement with Questcare Medical Services, PLLC, a Texas professional limited liability company that delivers health care services in Texas through agreements with one or more hospitals located in various Texas cities. In this employment agreement, Plaintiff was engaged by Questcare to provide various medical physician services, including as Medical Director of Emergency Medicine and also the Medical Director, at Medical City Weatherford, a hospital that is located in the city of Weatherford, Texas. Plaintiff's compensation under this agreement would exceed \$500,000 per annum. Plaintiff moved to Weatherford from California and commenced her medical services in early 2019. 10. In addition to her medical physician activities at hospitals, for several years the Plaintiff had been performing off-site, online medical services for companies that engage in video and online medical consultations, which is a growing and recognized activity in the medical field. This type of medical consultation is currently recognized in most US - 2. -

states.

- 11. In April, 2019, the Defendant Miller, acting in his official capacity as a "Privacy and Security Officer", duly authorized and a representative for the two Defendant Agencies, did verbally and in writing contact representatives of Plaintiff's above-identified employer at Medical City Weatherford and unequivocably stated that the Plaintiff was engaging in activities that are unlawful for a medical physician, including illegal distribution of certain prescription drugs, participating in a widespread internet fraudulent prescribing scheme, and directly participating with a Russian mafia prescription mob located in Miami, Fl. 12. Within the same time frame, said Defendant Miller also spread and stated these same allegations to other persons who knew and recognized her reputation in the medical community as an ethical and prominent physician. Miller vociferously and intensely attempted to convince these persons that the Plaintiff was acting in a criminal manner and in violation of her licensed duties as a medical physician. At all times in these actions, Miller was acting in his capacity as a duly authorized and empowered representative of the Defendant Agencies. He was tortiously interfering with the Plaintiff's valuable and desirable professional contract with Questcare.
- 13. The allegations by Defendant Miller against the Plaintiff were communicated between one or more representatives of Medical City Weatherford and Plaintiff's employer,

  Ouestcare, they thinking them to be true.
- 14. All of the statements and allegations against the Plaintiff by Defendant Miller, as above recited, were false and unfounded. They were issued in Miller's vendetta to destroy the Plaintiff and remove her from her life-time dedication to a medical career to help others.

  15. As a direct and proximate result of Defendant Miller's aforesaid tortious actions, while acting as an authorized and empowered agent of the two West Virginia Defendant Agencies, the Plaintiff was forced to resign and forego her aforesaid employment

Contract with Questcare, thus being deprived of the justified compensation due her under her aforesaid contract, and thus being required to incur the expense of moving back to California for other employment. This tortious interference with her valid employment contract has directly caused the Plaintiff significant damages and expenses.

16. In addition, as a direct result of Defendants' tortious interference with her contract, she

was forced to explain these false allegations in order to protect her medical license and professional reputation at a number of other state licensing boards, with the resulting expenses for such defense.

17. The conduct of the Defendant Miller, acting in his official role on behalf of the two
Defendant Agencies, was maliciously performed, without substantiating evidence and
with evil intent against the Plaintiff, fully jeopardizing her stellar career as a physician.

WHEREFORE, the Plaintiff prays that this Court enter judgment in Plaintiff's favor and against the Defendants, and each of them, in a reasonable amount to fully compensate her for the damages and expenses she has incurred by reason of the above-stated tortious conduct against her, plus her additional expenses to be incurred in bringing forth this civil action, all in an amount not less than Three Million Dollars (\$3,000,000). And, in addition, the Plaintiff prays further monetary judgment against the Defendants for the unreasonable, malicious conduct against her for punitive damages in an amount not less than the sum of Ten Million Dollars (\$10,000,000).

# III. Statement of Plaintiff's Second Claim For Relief Against The Defendants.

- 18. The Plaintiff incorporates by reference and restates all of the allegations in her First Claim For Relief, above, the same as though fully restated here.
- 19. The aforesaid false and malicious allegations against the Plaintiff by the Defendants were false, totally unfounded, and unsubstantiated, and resulted in significant damage to

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the Plaintiff's name and professional reputation, in addition to costing her an excellent

and rewarding position of employment.

20. The false allegations against the Plaintiff by the Defendants, written and verbal, as

aforesaid, constitute a prime facie act of defamation of the Plaintiff, both libel and

slander under Texas applicable law

WHEREFORE, the Plaintiff prays that this Court enter judgment in Plaintiff's favor and

against the Defendants, and each of them, on this Second Claim For Relief, in the amount

of Five Million Dollars (\$5,000,000) actual damages for defamation, plus an additional

Ten Million Dollars (\$10,000,000) for punitive damages to punish the Defendants for

for their unreasonable tortious conduct of defamation against the Plaintiff.

IN WITNESS WHEREOF, THE PLAINTIFF, acting pro se in this civil action, does hereby

present her Claims For Relief against the above-named Defendants and prays judgment in

her favor against the Defendants, and each of them, as aforesaid.

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- 5. -

# Barbara Blasko, M.D.

11576 Petunia Ct. Mira Loma CA 91752 949-300-9720 barbblaskomd@yahoo.com

#### WORK EXPERIENCE

RIVERSIDE COMMUNITY HOSPITAL, Riverside, CA Assistant Clinical Professor, UCR School of Medicine Department of Emergency Medicine Riverside Community Hospital August 2019- present Director Women in Medicine Director, Community Outreach Program Emergency Medicine Physician Vituity, Nov 2014 - Present

Approximate Annual Volume 110K

# MEDICAL CITY WEATHERFORD, Weatherford, TX EM Medical Director

Envision Physician Services Jan 2019-April 2019

• Approximate Annual Volume 26K

# CORONA REGIONAL HOSPITAL, Corona CA

Staff Physician Dec 2019- Present

• Approximate Annual Volume 60K

## SAN JOAQUIN COMMUNITY HOSPITAL, Bakersfield, CA

Emergency Medicine CEP America, Aug 2015 -Nov 2017

• Approximate Annual Volume 65K

# PRESBYTERIAN HEALTHCARE SERVICES - Albuquerque, NM

Emergency Medicine, Nov 2017- April 2021

• Approximate Annual volume 65K

# CARONDELET HEALTH NETWORK HOSPITALS Health -Tucson, AZ

Emergency Medicine August 2018- present

• Approximate Annual Volume 50K

## TRI CITY MEDICAL CENTER, Oceanside, CA

Staff Physican Dec 2015- Jan 2019

• Approximate Annual Volume 65K

# KAISER PERMANENTE HOSPITAL, Riverside, CA

Emergency Medicine, Jul 1998 - Aug 2014

• Approximate annual volume 44K

# KAISER PERMANENTE EMERGENCY PROSPECTIVE REVIEW PROGRAM, Downey, CA Staff Physician, Jun 2005 - Nov 2014

• The Emergency Prospective Review Program (EPRP), a part of Kaiser Permanente (KP), has responsibility for KP Health Plan members who present to non-KP emergency departments. By telephone, EPRP Physicians help non-KP physicians who care for these patients. Then EPRP expedites the safe return of these patients to the KP system. EPRP serves more than 9 million KP members throughout California and surrounding states

## KAISER PERMANENTE, Fontana, CA

Staff Physician, Feb 1999 - Feb 2004

• Approximate annual volume 80K

# KAISER PERMANENTE, Orange County, CA

Staff Physician, Sep 1997 - Oct 2004

Approximate annual volume 44K

# UCI MEDICAL CENTER, DEPARTMENT OF EMERGENCY MEDICINE, Irvine, CA

Attending Physician, Nov 1999 - May 2002

- Level 1 Trauma Center
- Approximate Annual Volume 65K

#### REGAL MEDICAL GROUP, Burbank CA

Medical Director Prior authorizations, claims review Sept 2020- present Medical Director, Lakeside Urgent Care, Jan 2021- present

#### TELEMEDICINE WORK EXPERIENCE

- Teledoc 5/2015-present
- Health Right 3/2015-9/2017
- Encore 3/2018- 3/2019
- PWN Health 5/ 2017-present
- Med Call Advisors 11/2019-present
- PlushHealth 4/2020 -present

# CERTIFICATIONS, LICENSURE

- Board Certified Emergency Medicine- 1999, 2009
- BLS, ACLS ATLS
- State Licenses: CA, NV, WV, SD, NY, IL, AZ, NM, FL, TX
- CDPH Radiography X-Ray Supervisor and Operator 2021

#### HOSPITAL COMMITTEES/ ACTIVITIES

- 2019 Medical Executive Committee, Credentials Committee Medical City Weatherford
- 2019 Sepsis, Stroke Committees Medical City Weatherford
- 2019 GME Committee, Medial City Weatherford
- 2019 Stroke Committee, Riverside Community Hospital

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- 2012- 2014 Committee Member Health Information Management- Oversees Electronic medical record documentation and reviews current CMS/JACHO/HIPAA policies with regard to medical record documentation and completion.
- 2010-2014 Committee Member, Hospital Policy and Procedures Committee.
- 2007- 2014 Physician Champion Kaiser Riverside Emergency Department Health Connect (EHR) developed workflows, and provides physician training during implementation and upgrades of KP Health Connect.
- 2006-2012 MD representative for ED Unit Based team- (UBT) -focuses on improving service and operations, simplifying work processes and improving performance and job satisfaction. Through this team, an ED patient follow up program has been established, ASQ scores have markedly improved, preventative health services such as PAP smear, colonoscopy and Mammogram scheduling are offered to ED patients.
- 2002-2014 ED representative for Drug Utilization Action Team (DUAT)- focuses on physician and patient education on the appropriate use of medications to provide quality, cost effective care.
- 2002-2014 Director of Family Medicine Resident rotation in Emergency Medicine-duties include orientation, evaluation, ED supervision, resident lectures.

# TEACHING EXPERIENCE

- 1999-2001- UC Irvine Director of Medical Student Rotation in Emergency Medicine
  - organized student rotation, completed evaluations, taught 3 hours of didactics per week
- Instructor, ACLS 1999-2001
- Completed the ACEP Teaching Fellowship 2001
- Instructor, AAEM Oral Board Review course 5/00, 9/00

#### **PUBLICATIONS AND PRESENTATIONS**

- F. Vencil, B. Blasko, A. Carlson: Flash Behavior of Female Photuris Versicolor Fireflies in Simulated Courtship and Predatory Dialogues. Journal of Insect Behavior, 1994:7:843-858
- Hollander JE, Blasko BJ, Singer AJ, Poor Correlation of Short and Long Term Cosmetic Appearance of Repaired Lacerations. Acad. Emerg Med 1995;2:983-987
- Blasko BJ, Too Many or Too Few, EM Resident Newsletter, October 1996, Vol. 22 No.5
- Kazzi AA, Blasko BJ, Peng AL, CAL/ACEP Workforce Task Force Initial Report: The Orange County Registry. Presented at the 1997 SAEM Annual Meeting, May 19-22, 1997.
- Gordon S, Blasko BJ, Uveitis, AAEM online text chapter March, 1998
- Blasko BJ, Vaginosis: AAEM Emergency Medical and Family Health Guide, an On-line text chapter, Sept 2000.
- Blasko BJ, Puncture Wound; AAEM Emergency Medical and Family Health Guide, an On-line text chapter, Sept 2000
- Rudkin S, Blasko BJ, Blepharitis AAEM Emergency Medical and Family Health Guide, an On-line text chapter, Sept 2000
- Rudkin S, Blasko BJ, Syphillis, AAEM Emergency Medical Sept and Family Health Guide, an On-line text chapter, Sept 2000
- Langdorf MI, Bearie BJ, Kazzi AA, Blasko B, Kohl A: "Patients' vs. Physicians' Assessments of Emergencies: The Prudent Layperson Standard, California Journal of Emergency Medicine 4:75-81, 2003. Lubavin BV, Langdorf MI, Blasko BJ, "The Effect of EM Residency Format on Pursuit of Fellowship Training and an Academic Career, Academic Emergency Medicine, 2004; 11:938-43.

#### **AWARDS AND HONORS**

- Cum Laude Graduate, State University of N.Y. at Stony Brook, 1991
- SAEM Excellence in Emergency Medicine, 1995-1996
- Chief Resident, UCI Emergency Medicine Residency Program, 1997-1998

#### PROFESSIONAL ORGANIZATIONS

- AMDIS
- HIMSS
- ATA

## **PERSONAL**

Happily married, with 2 dogs. Interest in Biomedical Informatics, Electronic Medical Records and emerging technology as applied to health care delivery and transmission. Recently obtained graduate certificate in Biomedical Informatics. Interested in and currently working on the development of phone Apps related to health care. Sports and hobbies include riding my horses for pleasure and competing in the discipline of show jumping, as well as swimming and working out at the gym.

#### **EDUCATION**

STATE UNIVERSITY OF NEW YORK AT STONY BROOK, Stony Brook, NY Aug 1987 - Jun 1991

STATE UNIVERSITY OF NEW YORK AT STONY BROOK, Stony Brook, NY Medical School, Aug 1991 - Jun 1995

UC IRVINE MEDICAL CENTER, DEPARTMENT OF EMERGENCY MEDICINE, Orange, CA Residency, Jul 1995 - Jul 1998

OREGON HEALTH SCIENCES UNIVERSITY, Portland, OR Graduate Certificate, Biomedical Informatics, Feb 2012 - Apr 2013

#### BUSINESSES

Founder/Owner - Electronic Vet, LLC

www.Electronicvet.com

Founder/Owner - ShowMD, Inc

www.showmd.org

Owner- Blasko Medical Consultants Inc.

#### REFERENCES

Available Upon Request

JS 44 (Rev. 10/20) - TXND (10/20) JS 44 (Rev. 10/20) - TXND (10/20)

CIVIL COVER SHEET

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The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.) I. (a) PLAINTIFFS **DEFENDANTS** Blasko, Barbara Miller, Thomas D., West Virginia Public Employee Insurance Agency, and West Virginia Department of Administration (b) County of Residence of First Listed Plaintiff California (EXCEPT IN U.S. PLAINTIFF CASES) (IN U.S. PLAINTIFF CASES ONLY) IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED (C) Attorneys (Firm Name, Address, and Telephone Number) Attorneys (If Known) ALINABE Plaintiff is acting pro se II. BASIS OF JURISDICTION (Place on "X" in One Box Only) III. CITIZENSHIP OF PRINCIPAL PARTIES (Place and "X" in Only Box for Plaining (For Diversity Cases Only) and One Box for Defendant) 1 U.S. Government 3 Federal Question DEF **Plaintiff** (U.S. Government Not a Party) Citizen of This State □ 1 Incorporated or Principal Place **1** 4 of Business in This State 70 2 U.S. Government 4 Diversity 旦 Citizen of Another State **X** 2 2 Incorporated and Principal Place **X**3 Defendant (Indicate Citizenship of Parties in Item 111) of Business In Another State Citizen or Subject of a 3 Foreign Nation δС Foreign Country IV. NATURE OF SUIT (Place on "X" in One Bax Only) Click here for: Nature of Suit Code Descriptions CONTRACT **FORFEITURE/PENALTY** BANKRUPTCY OTHER STATUTES 110 Insurance PERSONAL INJURY PERSONAL INJURY 625 Drug Related Seizure 422 Appeal 28 USC 158 375 False Claims Act 120 Marine 310 Airplane 365 Personal Injury of Property 21 USC 881 423 Withdrawai 376 Qui Tam (31 USC 130 Miller Act 15 Airplane Product Product Liability 7690 Other 28 USC 157 3729(a)) 140 Negotiable Instrument Liebility 367 Health Care/ 400 State Reapportionment 150 Recovery of Overpayment 320 Assault, Libel & Pharmaceutical PROPERTY RIGHTS 410 Antitrust & Enforcement of Judgmen Slander Personal Injury 820 Copyrights 430 Banks and Banking 151 Medicare Act 330 Federal Employers' Product Liability 830 Patent 450 Commerce Liability 152 Recovery of Defaulted 368 Ashestos Personal 835 Patent - Abbreviated 460 Deportation Student Loans 340 Marine Injury Product New Drug Application 470 Racketeer Influenced and (Excludes Veterans) 345 Marine Product Liability 840 Trademark Corrupt Organizations 153 Recovery of Overpayment Liability PERSONAL PROPERTY LABOR 880 Defend Trade Secrets 480 Consumer Credit 350 Motor Vehicle of Veteran's Benefits 370 Other Fraud 710 Fair Labor Standards Act of 2016 (15 USC 1681 or 1692) 160 Stockholders' Suits 355 Motor Vehicle 371 Truth in Lending Act 485 Telephone Consumer 190 Other Contract **Product Liability** 380 Other Personal 720 Labor/Management SOCIAL SIGURITY Protection Act 195 Contract Product Liability 360 Other Personal Property Damage Relations 861 HIA (1395ff) 490 Cable/Sat TV 196 Franchise Injury 385 Property Damage 740 Railway Labor Act 862 Black Lung (923) 850 Securities/Commodities/ 362 Personal Injury -Product Liability 863 DIWC/DIWW (405(g)) 751 Family and Medical Exchange **Medical Malpractice** Leave Act 864 SSID Title XVI 890 Other Statutory Actions PRISONER PETITIONS REAL PROPERTY CIVIL REGERES 790 Other Labor Litigation 865 RSI (405(g)) 891 Agricultural Acts 210 Land Condemnation 440 Other Civil Rights Habeas Corpus: 791 Employee Retirement 893 Environmental Matters 220 Foreclosure 441 Voting 463 Alien Detained Income Security Act FEDERAL TAX SUITS 895 Freedom of Information 230 Rent Lease & Ejectment 442 Employment 510 Motions to Vacate 870 Taxes (U.S. Plaintiff Act 240 Torts to Land 443 Housing/ Sentence or Defendant) 896 Arbitration 245 Tort Product Liability 530 General 871 IRS-Third Party 899 Administrative Procedure 290 All Other Real Property 445 Amer. w/Disabilities 535 Death Penalty IMMIGRATION 26 USC 7609 Act/Review or Appeal of **Employment** Other: 462 Naturalization Application Agency Decision 446 Amer. w/Disabilities 540 Mandamus & Other 465 Other Immigration 950 Constitutionality of 550 Civil Rights Actions State Statutes 448 Education 555 Prison Condition 560 Civil Detainee Conditions of Confinement V. ORIGIN (Place an "X" in One Box Only) 2 Removed from 1 Original □ 3 Remanded from 4 Reinstated or 5 Transferred from 6 Multidistrict 7 8 Multidistrict Proceeding State Court Appellate Court Reopened Another District Litigation -Litigation -(specify) Transfer Direct File Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdiction al statutes unless diversity): Texas civil law of torts VI. CAUSE OF ACTION Brief description of cause: Claims for tortious interference with contract and defamation VII. REQUESTED IN CHECK IF THIS IS A CLASS ACTION **DEMAND S** CHECK YES only if demanded in complaint: COMPLAINT: UNDER RULE 23, F.R.Cv.P. \$28,000,000.00 JURY DEMAND: Yes VIII. RELATED CASE(S) (See instructions): IF ANY JUDGE DOCKET NUMBER DATE SIGNATURE OF ATTORNEY OF RECORD May 26, 2021 FOR OFFICE USE ONLY

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AMOUNT

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JUDGE

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